REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 14, 2006. At the time of the Office Action, Claims 32-46 are pending in this Application. Claims 1-16 and 37 and 38 were previously cancelled without prejudice or disclaimer and Claims 17-31 were previously withdrawn. Claims 32-35, 39-40, and 43-46 stand rejected. Claims 36, 41 and 42 stand objected to. Claims 34 and 46 have been amended to further define various features of Applicants' invention. Claim 45 has been cancelled without prejudice and claim 47 has been added. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claims 32 and 46 were objected to due to informalities. Applicants amend Claims 32 and 46 to overcome these objections.

Rejections under 35 U.S.C. § 112

Claims 45-46 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claim 46 to overcome these rejections and respectfully request full allowance of Claim 46 as amended. Claim 45 has been cancelled without prejudice.

Rejections under 35 U.S.C. §103

Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,502,137 issued to Yoichi Tan ("Tan"). Applicants respectfully traverse and submit the cited art does not render the claimed embodiment of the invention obvious.

Claims 33-35, 39-40 and 43-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tan in view of U.S. Patent 6,516,364 issued to Robert Kolblin et al. ("Kolblin"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tan in view of U.S. Patent 5,978,578 issued to Arnon Azarya et al. ("Azarya"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Tan discloses a digital signal transmitting method. Fig. 2 of tan shows a communication system for transmitting digital signals. The transmission path is a coaxial cable to which by means of T-shaped connectors different stations are connected. All stations are identical in construction and comprise a user unit coupled with a computer and/or telephone. Each station further comprises a memory, coder, decoder, logic circuits and oscillators, and a collision detection unit. According to Tan, the synchronization of the data frames and blocks is performed by the station which transmits a data packet first. See Tan, col. 4, lines 11-17. As soon as a station transfers a data packet onto the coaxial cable as a first station, the other n-1 stations coordinate at the coaxial cable their clock and frame synchronization, respectively. If multiple stations of the transmission path send their data packets at the same time onto the coaxial cable, every collision detection unit of each station will detect the collision and interrupt the transmission. See Tan, col. 4, lines 56-63. This interruption of the transmission is maintained according to a time period which is determined by a random number generator. See Tan, col. 4, lines 63-67. Because the stations are arranged at different locations of the transmission path, these stations have different delay

times with respect to each other. This delay time is considered when transmitting data packets by the single stations.

Thus, the main feature of such a signal transmission method consists in that the frame and block synchronization of the multiple stations is tuned to the station that send a data packet onto the coaxial cable as a first.

Therefore, Tan does not disclose a master slave communication method. Moreover, Tan does not disclose an Ethernet physic of the communication system. Such an Ethernet physic comprises, for example, line drivers (PHY) which are coupled by means of a four-wire copper cable or a two-wire fiber optics. Protocol units (Kom) are coupled with the line drivers (PHY) which process a telegram protocol.

The Examiner cited that Tan uses Ethernet. Applicant respectfully disagrees. Tan merely discloses a priority Ethernet and a reservation Ethernet as used by the prior art. See tan, col. 2, lines 4-20. By means of these transmission methods, however, a variance in the transmission delay cannot be solved. Furthermore, these transmission methods are not usable for real-time transmission.

Therefore, Applicant believes that the independent claim 32 is not obvious in view of Tan.

Kölblin discloses a synchronization method. According to Fig. 1, Kölblin discloses a bus segment with a plurality of transmission stations, a receiving station and an adaptation module. For each data transmission of a transmission station to a receiving station, a synchronization message is put onto the bus by the adaptation module. Thus, it is unclear how a combination of Kölblin and Tan should render the claims 33-35, 39-40 and 43-45 obvious.

Tan discloses n stations coupled to a transmission path which communicate with each other, wherein the n-1 stations tune their frame and block synchronization to the station that transmits a data packet first. Kölblin determines by means of the synchronization method which of the n stations at what time may transfer data via the bus. Thus, a person skilled in the art would not combine these references because their transmission methods are not compatible.

Therefore, Applicant believes that claims 33-35, 39-40 and 43-45 are not obvious over Tan in view of Kölblin.

Allowable Subject Matter

Applicants appreciate Examiner's consideration and indication that Claims 36 and 41-42 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, as stated above, Applicant believes that all claims are allowable.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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Date: December 14, 2006

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